

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Phillips, J.)	CONF. NO.:	1266
)		
APPL. NO.	10/795,860)	GROUP ART UNIT:	1616
)		
FILED:	July 12, 2004)	EXAMINER:	Choi, Frank I.
)		
TITLE:	NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND METHOD OF USING SAME			

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97-1.98

Dear Sir or Madam:

The following information is submitted pursuant to a duty to disclose under 37 C.F.R. § 1.56 and §§ 1.97-1.98, as supplemented by M.P.E.P. § 609. A list of all enclosed documents is provided in a Form PTO-1449, transmitted herewith. Applicant respectfully requests that the Examiner consider the listed documents and evidence the consideration of relevant portions thereof by making appropriate notations on the attached form.

By way of this Supplemental IDS, Applicant is providing documents from the litigation proceedings against Par Pharmaceutical in the District Court of Delaware, along with a non-patent literature document.

This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.97(c)(2), prior to the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution. Applicant submits that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Although no fee is believed due, should there be any additional fees required, the Commissioner is authorized to charge Deposit Account No. 13-0019.

Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Act and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is or is considered to be material to patentability, or that no other material information exists. Applicant respectfully requests that the statement be considered by the Office in the course of prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Mahoney', is written over a horizontal line.

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April 17, 2008

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